

**United States District Court**

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

06 JUN 30 PM 4:21

TEXAS-EASTERN

STMICROELECTRONICS, INC.

§

V.

§

§

§

SANDISK CORPORATION

§

BY                       
CASE NO. 4:05CV44  
(Judge Schell/Judge Bush)

**AMENDED MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the Report of the United States Magistrate Judge in this action, this matter having been heretofore referred to United States Magistrate Judge Don D. Bush pursuant to 28 U.S.C. § 636. On June 6, 2006, the Report of the Magistrate Judge was entered containing his proposed findings of fact and recommendation that Defendant's Motion to Exclude NEC Controllers from Plaintiff's Damage Base be granted. Plaintiff filed objections on June 23, 2006.

After considering the report of the United States Magistrate Judge and making a *de novo* review of the objections raised by the Plaintiff thereto, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of the Plaintiff are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court. It is, therefore,

**ORDERED, ADJUDGED and DECREED** that Defendant's Motion to Exclude NEC Controllers from Plaintiff's Damage Base is **GRANTED**.

**SIGNED** this 30<sup>th</sup> day of June, 2006.



RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE